

IN UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LAUREN A. SUGGS

PLAINTIFF

vs.

Civil No. 5:20-cv-05121

ANDREW SAUL
Commissioner, Social Security Administration

DEFENDANT

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the Court is Defendant's Unopposed Motion to Reverse and Remand. ECF No. 20. Plaintiff has no objections to this Motion. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2009), the Honorable Timothy L. Brooks referred this case to this Court for the purpose of making a report and recommendation. In accordance with that referral, this Court enters the following report and recommendation.

Defendant requests Plaintiff's case be remanded pursuant to Sentence Four of 42 U.S.C. § 405(g) so the Commissioner can conduct further proceedings. ECF No. 20. Plaintiff has no objections to this Motion. *Id.* Based upon the foregoing, this Court recommends Defendant's Motion to Reverse and Remand (ECF No. 20) be **GRANTED**, and Plaintiff's case be reversed and remanded to the Social Security Administration for further administrative review pursuant to Sentence Four of 42 U.S.C. § 405(g). Further, this Court recommends that if Plaintiff wishes to request an award of attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, an application may be filed up to thirty (30) days after the judgment becomes "not appealable" (i.e., thirty (30) days after the sixty (60) day time for appeal has ended). *See Shalala v. Schaefer*, 509 U.S. 292, 296, 113 S. Ct. 2625 (1993); 28 U.S.C. §§ 2412(d)(1)(B), (d)(2)(G).

The Parties have fourteen (14) days from receipt of this Report and Recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The Parties are reminded that objections must be both timely and specific to trigger *de novo* review by the district court. *See Thompson v. Nix*, 897 F.2d 356, 357 (8th Cir. 1990).

ENTERED this 13th day of May 2021.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE